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IN RE CHARGES OF RACHEL GIL,)	
)	
UNITED STATES OF AMERICA,)	
Complainant,)	8 U.S.C. § 1324b Proceeding
)	
v.)	OCAHO Case No. 97B00152
)	
TEMPSTAR SERVICES, INC.,)	Judge Robert L. Barton, Jr.
Respondent.)	
)	

(November 19, 1997)

A prehearing conference was scheduled and held in this case on October 29, 1997. One of the purposes of the conference was to set a procedural schedule. However, the conference was rather abbreviated because during the conference, both parties indicated that they had tentatively reached a settlement. Consequently, no procedural schedule was set, and Complainant was ordered to inform the Court, not later than November 3, 1997, as to the status of settlement negotiations. Complainant did not do so, either in writing or orally. In an Order issued on November 12, 1997, the Court then directed Complainant immediately to file a written status report on settlement. On November 17, 1997, Complainant's counsel filed a status report which was brief and very unclear as to the specific status of the settlement negotiations (other than noting that the charging party and Respondent's counsel have not returned her calls) but apparently no written signed settlement agreement has been executed.

It has been several weeks since the prehearing conference, and I am not going to permit this case to remain in limbo while the parties leisurely conduct settlement negotiations. Unless the parties have filed a signed settlement agreement with the Court by December 1, 1997, they are ordered to file by that date either joint or separate procedural schedules, including specific proposed dates for completing discovery; for filing prehearing motions; for serving stipulations, preliminary exhibit and witness lists; and for exchanging exhibits. Unless the parties demonstrate in their submission why it should not be implemented, I anticipate that I will implement the mandatory discovery provisions of Rule 26(a)(1)-(3) to the extent they are applicable in this case.

I do not expect to receive or grant any extension of time to file the proposed procedural schedule. If I do not receive a proposed schedule by the specified date, then I will set the prehearing schedule without further input from the parties.

ROBERT L. BARTON, JR.
ADMINISTRATIVE LAW JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of November, 1997, I have served the foregoing Second Prehearing Order on the following persons at the addresses shown, by first class mail, unless otherwise noted:

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